

Appl. No.: 10/661,235  
Filed: 09/12/2003  
Page 6

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested.

*Claim Rejections – 35 U.S.C. § 112*

Claims 4-6 and 11 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failure to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 4 has been amended to provide sufficient antecedent basis for the terms "said cutting signal" and "said cutter" in Step (e). Claim 4 has been amended to delete "said" and insert -- a -- before cutting signal and also in Step (e) to delete "cutter" and insert -- separator --. The separator is set forth in Step (d) of Claim 4 and therefore provides antecedent basis.

Claim 11 has also been amended to provide sufficient antecedent basis for the former term "said conveyor means". Claim 11 has been amended to delete "in said conveyor means" and to state that the booster blower is located in the -- elongated cushion delivery duct -- which is now in element (a) of Claim 1, as amended.

These amendments to Claims 4 and 11 are made to more particularly point out and distinctly claim the invention and are not intended to narrow the scope of the claims. With these amendments, it is respectfully submitted that the rejection under 35 U.S.C. § 112, second paragraph, is now moot.

*Claim Rejections – 35 U.S.C. § 103*

Claims 1-3, 7-8, and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Landrum (U.S. Patent No. 6,428,246), in view of Murakami (U.S. Patent No. 5,581,983).

The primary reference, Landrum, U.S. Patent No. 6,428,246, does indeed disclose a conveyor having a blower 12 for conveying a string of cushions 20 from point to another. Landrum also discloses a sensor to generate a signal permitting the filling of the single hopper 40 which is serves multiple purposes of conveying, storing and dispensing the air bags to the workers 74. Col. 3, line 35. Landrum does not show, for example, means for diverting the string of cushions to a plurality of work stations; does not show a separator adaptor to sever the string of cushions in response to a signal; and does not show a controller adapted to generate a signal to

Appl. No.: 10/661,235

Filed: 09/12/2003

Page 7

control the diversion of the string of cushions and separating the string of cushions. The reason why Landrum does not show these essential elements of Claim 1 is that Landrum states that the hopper 40 (which also serves as the conveying duct) fills up with bags 20 such that the bags 20 and the lower portion of the single hopper 40 (which also serves as the conveying duct) can be easily reached by the workers 74 through ports 52 (Col. 4, lines 50-54). In other words, the string of cushions of Landrum are not sent to multiple hoppers each at a plurality of workstations.

To support the several missing elements lacking in Landrum, the Examiner has cited Murakami as teaching "a separator 34 with cutters 36, i.e., knife and a controller via "6" for the purpose of severing a string of cushions in response to a control signal for a predetermined length of the cushion 12". The jest of the Murakami invention is for a gas injection device for supplying gas into a gas bag. While there is a cutter means 34 shown for severing the terminal end of gas bag along its entire width, there is no disclosure whatsoever of conveying the air-filled bags to a workstation. The inflated bags drop into a "product container 11".

Thus, Claim 1 as now amended requires that the separator be adapted to sever the string of cushions within the elongated cushion delivering duct. This is not taught Murakami nor would it be suggested by combining Murakami and Landrum.

#### *Allowable Subject Matter*

Claims 4-6 have been indicated as being allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. In view of the amendments made and discussed above, it is respectfully submitted that Claims 4-6 should now be allowed.

Claims 9 and 13 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the amendments to Claim 1 in the arguments set forth above related to obviousness, it is submitted that Claim 1 in the arguments set forth above related to obviousness. It is submitted that Claim 1 is allowable. Accordingly, Claims 9 and 13 have not been rewritten in independent form at the present time pending the allowance of

Claim 1.

Appl. No.: 10/661,235

Filed: 09/12/2003

Page 8

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

*Ernest B. Lipscomb*  
Ernest B. Lipscomb, III  
Registration No. 24,733

Customer No. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
CLT01/4666172v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on September 16, 2004.

*Janet F. Sherrill*  
Janet F. Sherrill

PAIR Page



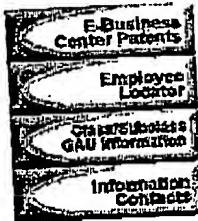
## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## PATENT APPLICATION INFORMATION RETRIEVAL

[PAIR](#)[FAQ](#)[Help](#)[Feedback](#)

## Other Links

[Printer Friendly Version](#)

Search results as of: 2-24-2005:14:41

## Search results for application number: 10/661,235

Application Number:	10/661,235	Customer Number:	826
Filing or 371(c) Date:	09-12-2003	Status:	Non Final Ac Mailed
Application Type:	Utility	Status Date:	10-12-2004
Examiner Name:	LOPEZ, MICHELLE	Location:	ELECTRONIC
Group Art Unit:	3721	Location Date:	-
Confirmation Number:	6853	Earliest Publication No:	-
Attorney Docket Number:	031456/267963	Earliest Publication Date:	-
Class/ Sub-Class:	053/495	Patent Number:	-
First Named Inventor:	Robert White, Watertown, CT	Issue Date of Patent:	-
Title Of Invention:	System for conveying packaging cushions		

Select Search Option

 Assignments  
 Continuity Data  
 Display References  
 Image File Wrapper  
 Publication Review

## File History

Date	Contents Description
10-13-2004	Mail Non-Final Rejection
10-12-2004	Non-Final Rejection
08-09-2004	Case Docketed to Examiner in GAU
08-03-2004	Case Docketed to Examiner in GAU
05-24-2004	Case Docketed to Examiner in GAU
05-24-2004	IFW TSS Processing by Tech Center Complete
05-24-2004	Reference capture on IDS
09-12-2003	Information Disclosure Statement (IDS) Filed
04-09-2004	Transfer Inquiry to GAU
12-05-2003	Application Return from OIPE
12-05-2003	Application Return TO OIPE
12-04-2003	Application Dispatched from OIPE
12-05-2003	Application Is Now Complete
11-25-2003	Cleared by OIPE CSR
10-16-2003	IFW Scan & PACR Auto Security Review
09-12-2003	Initial Exam Team nn

02/25/2005 12:05 FAX 7043316090

ALSTON BIRD LLP

021

Page 2 of 2

PAIR Page

---

[HOME|INDEX|SEARCH|eBUSINESS|CONTACT US|PRIVACY STATEMENT]

PAIR Page



United States Patent and Trademark Office  
[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## PATENT APPLICATION INFORMATION RETRIEVAL

[Printer Friendly Version](#)

Search results as of: 1-5-2005 16:18

Application Number:	10/661,235	Customer Number:	826
Filing or 371(c) Date:	09-12-2003	Status:	Non Final Ac Mailed
Application Type:	Utility	Status Date:	10-12-2004
Examiner Name:	LOPEZ, MICHELLE	Location:	ELECTRONIC
Group Art Unit:	3721	Location Date:	-
Confirmation Number:	6853	Earliest Publication No:	-
Attorney Docket Number:	031456/267963	Earliest Publication Date:	-
Class/ Sub-Class:	053/495	Patent Number:	-
First Named Inventor:	Robert White, Watertown, CT	Issue Date of Patent:	-
Title Of Invention:	System for conveying packaging cushions		

Select Search Option

Assignments  
 Continuity Data  
 Display References  
 Image File Wrapper  
 Publication Review

## File History

Contents Description

Date	Description
10-13-2004	Mail Non-Final Rejection
10-12-2004	Non-Final Rejection
08-09-2004	Case Docketed to Examiner in GAU
08-03-2004	Case Docketed to Examiner in GAU
05-24-2004	Case Docketed to Examiner in GAU
05-24-2004	IFW TSS Processing by Tech Center Complete
05-24-2004	Reference capture on IDS
09-12-2003	Information Disclosure Statement (IDS) Filed
04-09-2004	Transfer Inquiry to GAU
12-05-2003	Application Return from OIPE
12-05-2003	Application Return TO OIPE
12-04-2003	Application Dispatched from OIPE
12-05-2003	Application Is Now Complete
11-25-2003	Cleared by OIPE CSR
10-16-2003	IFW Scan & PACR Auto Security Review
09-12-2003	Initial Exam Team nn

Discussed  
 w/ Lopez  
 1/6/05